REMARKS

Claims

Claims 1, 2, and 5-29 are pending. The claims have been amended. No new matter has been added.

Examiner Interview Summary

Applicants thank the Examiner for the courtesies extended during a teleconference conducted with Nishitkumar V. Patel on August 3, 2010. During the teleconference, claim 1 was discussed. Specifically, the above-made amendment was discussed. The Examiner indicated that this amendment may require a further search. No specific prior art was discussed.

Section 103 Rejection

Claims 1, 2, and 5-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dandurand ("Market Niche Analysis In the Casino Gaming Industry," Journal of Gambling Studies, Vol. 6(1), Spring 1990) in view of Sheppard (U.S. Patent No. 6,026,397) and further in view of Acres (U.S. Patent Application Publication No. 2006/0183529) and Kelly et al. (U.S. Patent No. 6,645,068) ("Kelly").

Sheppard discloses:

> [a]n additional technical advantage of the present invention is that it may be used . . . to profile customer groups to identify socio-demographic or behavioral characteristics within the customer groups. It also provides for identifying significant associations between customer behavior, lifestyle, or attitudinal features, and may be used to identify significant associations between customer purchase preferences . . . Data analysis system 10 is particularly beneficial in analyzing customer databases that include information on the types of products purchased, frequency of purchase, quantity of purchase, and other general information on customers, e.g., age, gender, marital status, etc . . . For example, when the data file contains customer information, the cluster parameters may be age, gender, income, or

> whatever parameter is desirable . . . It is invariably the case, however, that these customer groups will have different lifestyle, attitude, and behavioral characteristics . . . In the customer database example, the parameters to be predicted may include, for example, mail responsiveness, credit risk, profitability, etc. Also at step 366 the parameters that the predictions are to be based on are specified, e.g., age, income, etc.

(col. 2, lines 28-37; col. 5, line 67-col. 6, line 5; col. 12, lines 40-47; col. 14, lines 16-18; col. 21, lines 33-37).

Kelly discloses a profile-driven network gaming and prize redemption system. In the system, a player input typically includes game commands provided by controlling devices such as buttons, keyboards, dials, joystick controls, touch screens, track balls, mice, gun devices, steering wheels, foot pedals, speech inputs through a microphone, or any other input used in playing a game and providing selections (col. 5, lines 18-23). For example, a player can move a joystick to control a graphical object displayed on a video screen (col. 5, lines 23-25). Each type of user input can provide a particular game command to a computer, and the computer interprets the commands and influences game states and game events in a game process accordingly (col. 5, lines 25-27). The computer can include plug-in interface cards such as video cards, 3-D graphics cards, sound cards, controller cards, etc (col. 6, lines 7-9).

None of the cited references describe or suggest that a difference among a plurality of attributes including a difference in age or gender is determined based on a plurality of voice commands received via a player tracking unit as called for, for example, by amended claim 1. The specification provides examples of the recitation of "the at least one difference including a difference in age or gender determined based on . . . a plurality of voice commands received via the player tracking unit" as follows:

> It will be understood that the specific systems and mechanisms by which player tracking data may be generated and collected vary widely . . . However, for illustrative purposes, an exemplary player tracking system in which various specific embodiments of the present invention may be implemented will now be described with reference to Figs. 1 and 2 . . . . The player tracking unit may include a memory

217 configured to store . . . voice recognition software for receiving voice commands from the microphone 207 . . . . In some embodiments, the player tracking functions may be implemented by both the logic device 210 and the master gaming controller 104. For instance, the master gaming controller may execute voice recognition software to interpret voice commands input from the microphone 207 . . . . The player tracking data generated and collected using the exemplary system of Figs. 1 and 2 may include, for example, each player's name, age, geographical region, gender, income, frequency of play, favorite day to play, favorite time to play, average amount bet, speed of play, total amount played, game preference, entertainment preference, cuisine preference, beverage preference, birth date, etc. It should be noted that this list of attributes is not exclusive and that embodiments of the invention are contemplated which relate to or employ different combinations of these attributes as well as any additional attributes relating to a player's demographic profile or gaming behavior . . . . Regardless of what attributes values and attribute relationships are used, once the gaming DNA attributes and/or relationships for a particular analysis are selected, a particular value or set of values for one or more of these attributes is used to form a traditional query (304) which is then applied to the player tracking database to retrieve a first subset of the specific individuals represented in the database corresponding to that value or set of values and attribute relationships (306) . . . . Referring back to Fig. 3 and according to a specific embodiment, the gaming DNA of the individuals identified in 306 are analyzed to identify one or more differences by which this first subset of individuals may be further subdivided (308). Each such difference may be referred to herein as a single relational polymorphism or SRP . . . . The phrase "Single Relational Polymorphism" as used herein represents a single relationship of data attributes which is different, or has changed, for an

individual or subset of individuals from that set of data attributes that exists for a larger group or superset of individuals.

(page 6, lines 13-17; page 9, lines 9-14; page 11, lines 4-7; page 14, lines 3-7; page 15, lines 11-17; page 16, lines 21-24; page 17, lines 8-11). Accordingly, the specification discloses that a voice command is interpreted to perform player tracking and such player tracking is performed to identify at least one difference among attributes including a difference in age or gender to generate a single relational polymorphism. Thus, the specification provides an example of the recitation of "the at least one difference including a difference in age or gender determined based on . . . a plurality of voice commands received via the player tracking unit" as called for by amended claim 1.

As acknowledged by the Examiner, Dandurand does not disclose "voice commands at the player tracking unit" (Office Action, page 13). Furthermore, Acres is not cited as describing voice commands. Rather, Acres is cited to describe use of a card and a card reader for player tracking (Office Action, page 10).

Moreover, Sheppard discloses a plurality of parameters, such as socio-demographic characteristics, behavioral characteristics, age, gender, and marital status. Sheppard, however, does not describe or suggest the use of voice commands as called for by claim 1.

Additionally, Kelly discloses a game state or a game event that is influenced by a speech input through a microphone. The speech input may be a game command that influences the game state or game event. These speech commands in Kelly are not used to identify at least one difference including a difference in age or gender. For example, the computer in Kelly may reach the same game state or game event upon receiving a command from a male or a female or upon receiving a command from a male who is over 40 years old or a male that is under 40 years old. Accordingly, such a disclosure of speech commands in Kelly does not disclose or suggest "the at least one difference including a difference in age or gender determined based on the plurality of attributes received via the player tracking system and a plurality of voice commands received via the player tracking unit" as called for by claim 1.

Moreover, Applicants respectfully submit that the Examiner has impermissibly dissected claim 1, for example, in analyzing the patentability of the claim. Such a dissection is impermissible. It is stated in MPEP §2106 that "USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation."

As stated on page 13 of the Office Action:

> Additionally, on 3/5/10, Applicant added the following features to the independent claims:
>
> "the plurality of attributes received via the player tracking system and a plurality of voice commands received via the player tracking unit".
>
> Examiner notes that Applicant's Specification (PG_PUB) specifies a microphone ([54]) and voice recognition for entering or inputting commands ([56, 60]).
>
> As noted above, the prior art discloses a variety of commands and inputs at the player tracking unit and that the inputs and commands at the player tracking unit are tracked for targeting purposes. Dandurand does not explicitly disclose voice commands at the player tracking unit. However, there are a variety of input and command buttons, levers, keyboards, touchscreens, microphones, speakers, etc that are commonly used for input and output at gaming devices, player tracking units, kiosks, ATMs, etc. And, Acres discloses the gaming device making sounds ([174]). And, Kelly discloses a card reader and profile for targeting in a casino or gaming environment and device (Abstract; throughout Kelly). And, Kelly discloses a variety of input and command possibilities at a player tracking unit or gaming device including microphones, speech input, voice recognition:

Accordingly, the Examiner has evaluated, in isolation, the feature of "the plurality of attributes received via the player tracking system and a plurality of voice commands received via the player tracking unit". Such a feature is only a part of the claimed feature of "the at least one difference including a difference in age or gender determined based on the plurality of attributes received via the player tracking system and a plurality of voice commands received via the player tracking unit". Hence, the Examiner has impermissibly dissected the claimed invention into discrete elements in evaluating patentability.

Hence, for at least these reasons, Applicants respectfully submit that amended claim 1 would not have been obvious in view of the cited references.

Moreover, for at least the same reasons, amended independent claims 18, 21, 24, and 27 would not have been obvious in view of the cited references.

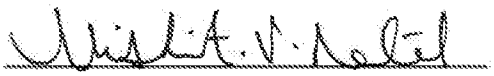
The various dependent claims include the limitations of the corresponding amended independent claims on which they are based. Accordingly, the dependent claims would not have been obvious for at least the same reasons as the independent claims.

Thus, for at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of claims 1, 2, and 5-29 be withdrawn.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson, LLP
/William J. Egan, III/
William J. Egan, III
Registration No. 28,411



Nishitkumar V. Patel
Registration No. 65,546

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100